

# MORGANTOWN PLANNING COMMISSION

## MINUTES

**6:30 PM**

**March 10, 2016**

**Council Chambers**

**COMMISSIONERS PRESENT:** Peter DeMasters, Carol Pyles, William Blosser, Sam Loretta, Bill Kawecki, Bill Petros, Michael Shuman and Tim Stranko

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Christopher Fletcher, AICP

**I. CALL TO ORDER/ROLL CALL:** DeMasters called the meeting to order at 6:30 PM and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.

### **II. GENERAL PUBLIC COMMENTS:**

DeMasters recognized John Sausen of Omni Associates who stated he has worked on many projects in the City. Sausen expressed that ordinances should be clear when read and not have to rely on interpretations and asked for City officials to follow the rules of those ordinances.

DeMasters recognized James Giuliani of 256 Prairie Avenue who distributed a handout to Commissioners that included enrollment figures for WVU. Giuliani presented data that supported his argument that WVU has not increased in population since 2007 and inquired as to why the City does not have to review plans for WVU projects. Giuliani stated the only state surrounding West Virginia that shows increased growth in students is Ohio and expressed that more student housing in Morgantown is not needed.

Stranko asked Fletcher for further legal conclusion on the Planning Commission regulating projects sponsored or constructed by the University. Fletcher noted he cannot offer a legal conclusion as he is not an attorney but stated there is currently a pending lawsuit that is questioning whether or not WVU's recent public/private partnership projects should be required to comply with City ordinances.

DeMasters recognized Dave Biafora of 6200 MidAtlantic Drive who stated there are flaws and loopholes in the City codes and noted that not all projects are coming before the Planning Commission or BZA and referred to an accessory structure that was recently approved and constructed. Biafora expressed that updated codes and zoning are necessary and suggested hiring an outside consultant.

DeMasters recognized Michael Callen of 1420 Western Avenue who expressed the Planning Commission should review projects on whether they are enhancing or improving the quality of life for the City. Callen noted that many student housing complexes are not at full capacity within the City and stated that student growth is declining nationwide due to online education. Callen expressed that if the Planning Commission keeps approving these projects then the City will face urban decay and damage to longtime residents and neighborhoods and asked Commissioners to judge projects on the impact to the community.

DeMasters recognized Joe Yip of 1389 University Avenue who noted the proposed project does not meet ADA standards for maneuvering of wheelchairs.

DeMasters recognized a lady who said her late father, Johnsy Snow, owned a home at 251 Darst Street and is now cared for by dependents, and expressed the Planning Commission should not be able to decide on further construction surrounding that property.

DeMasters recognized Sam Chico of 281 Don Knotts Blvd. who noted that all Cities go through a lifecycle but expressed the Commissioners shouldn't protect the buildings that have lived their lifecycle. Chico expressed that residential housing is not a need that requires a permit from the government as it is a free market and should be allowed to compete.

### III. MATTERS OF BUSINESS:

- A. Approval of the February 11, 2016 meeting minutes: Petros moved to approve as presented; seconded by Stranko. Motion carried unanimously. Kawecki and Shuman abstained due to their absence.

### IV. UNFINISHED BUSINESS:

- A. **S15-09-III / Standard at Morgantown LLC / 1303 University Avenue:** Request by J. Wesley Rogers, on behalf of Standard at Morgantown, LLC, for a Type III Development of Significant Impact Site Plan approval at 1303 University Avenue; Tax Map 26A, Parcels 6 thru 15; B-4, General Business District. This petition was tabled at the Planning Commission's December 10, 2015 hearing.

Stranko made a motion to remove S15-09-II from the table; seconded by Kawecki. Motion carried unanimously.

DeMasters recognized John Williams on behalf of Landmark Properties who stated there are additions to the presentation. DeMasters invited Williams to present the additions to the petition.

Williams presented a PowerPoint presentation to further explain the proposed project. Williams noted that letters of support had been submitted by Main Street Morgantown, the Chamber of Commerce, and the Pedestrian Safety Board.

Fletcher noted Staff received an email and a letter from Main Street Morgantown and stated their letter of support was, according to an email from Jim Craig, sent pre-maturely and should not be considered.

Williams continued to present the petition and noted there would be an area designed to allow for a pedestrian bridge landing. DeMasters asked if an easement would be required and if they would be providing that to the City free of charge. Williams confirmed and stated they would be open to working with the City's legal staff to work through the process.

Petros asked for further explanation on the pedestrian traffic study. William referred to Bob Goetz of Trans Associates to answer questions and elaborate on the pedestrian traffic study.

DeMasters recognized Bob Goetz of Trans Associates who explained the traffic study.

Petros stated he wanted to know how traffic would be impacted on Beechurst Avenue during peak hours and does not see where the question is answered within the study. Goetz explained the study was done conservatively as students have access to the Caperton Trail and could cross further up the road. William noted the initial data asked for was reviewed and concurred by the WVDOH.

DeMasters asked how many people will be crossing the intersections of University Avenue and Fayette Street and what the time impact would be during the peak hours. Goetz stated that 140 additional pedestrians would be crossing during the morning peak hours between 7AM and 9AM.

Discussion ensued on the data listed within the study.

Williams continued with the presentation for the proposed project.

Loretta referred to the annulment and asked if any utilities were discovered underneath. Williams stated the existing utilities will be abandoned at their expense and there are no issues with the utility companies.

Pyles asked if the traffic study included visitors from students in the downtown area. Goetz confirmed and stated the commercial area has been reduced in size from what was initially proposed.

DeMasters asked for the height of the building and how it compares to the parking garage across the street. Williams explained the parking garage is approximately 50 feet and their building is between 105 feet and 120 feet depending on the topography.

Stranko asked if they would be using local contractors for the project. Williams confirmed and stated they would be bidding out the project and expressed that local contractors are more efficient. Williams explained they will contact a third party general contractor that will sub out projects to local contractors with the specific trades. No decision has been made on the contractor.

Loretta referred to the Trans Associates report and noted the number of beds and parking spaces are listed differently. Goetz explained the proposed project includes 866 beds which is four (4) beds less than initially proposed and the parking spaces listed in the report were much higher than that proposed as the report was started in May 2015. Goetz clarified that there will be 866 beds and 692 parking spaces for the proposed project.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of the petition.

DeMasters recognized Matthew Cross of 524 Milford Street who represents the Morgantown Pedestrian Safety Board. Cross noted that Landmark presented the project to the Pedestrian Safety Board and read a letter based on the Board's opinion the project is an opportunity to prove a relationship between pedestrians and motorists in Morgantown.

DeMasters recognized Sam Chico of 281 Don Knotts Blvd who noted that engineering studies are conservative and by moving approximately 800 students next to the downtown campus will result in less busses and cars which will reduce traffic and enhance the intersections.

DeMasters recognized J.D. Gump who is a life-long resident of Morgantown and noted the beautification of the project will enhance the site and the 800 students moving next to the downtown area will be helpful to lessen traffic elsewhere.

DeMasters recognized Millie Paladino of 971 Valley View Avenue who is a WVU Student and a member of the WVU track team. Paladino noted the project would clean up that part of the trail and bring students close to campus.

DeMasters recognized Scott Smith of Pittsburgh, Pennsylvania who noted he works for Landmark and helped them to find the site in Morgantown. Smith noted the project will bring tax money to Morgantown and will beautify the gateway to the City.

DeMasters recognized Christian Abildso of 233 Wagner Road who stated the project reflects the Comprehensive Plan and national trends. Abildso noted the project will improve an area in need of enhancements and bring more businesses downtown.

There being no further comments in favor of the petition, DeMasters asked if anyone was present to speak in opposition to the petition.

DeMasters recognized Dave Biafora of 6200 Mid-Atlantic Drive who stated the building is too big and there must be at least 22,000 square feet of commercial space and not the 8,500 proposed. Biafora stated the studies for the proposed project are inaccurate and the developers are “fee people” and will flip the building. Biafora expressed that the pedestrian bridge will never be built and the pedestrian traffic will affect vehicular traffic. Biafora noted the development will include undergraduates as there are 3, 4, 5, and 6 bedroom apartments and the building is too large and should not be approved.

DeMasters recognized Evelyn Ryan of 225 Dewey Street who stated there is not enough parking and then read data results from traffic studies conducted by the WVDOH in 2014 and noted the area studied is the largest traffic count for downtown Morgantown. Ryan inquired about air rights and expressed that students won't wait for traffic lights and will cross the walk when they please. Ryan stated the project focuses on one population and is not diverse and the construction equipment will have a negative impact on the area.

DeMasters recognized John Sausen of Omni Associates who read the definition of a mixed-use dwelling and noted the use is only allowed with a conditional use approval. Sausen expressed the Site Plan petition should not be before the Planning Commission as this conditional use request has not been approved in addition to the other variance requests that are on the Board of Zoning appeals agenda. Sausen expressed that the building needs redesigned to fit the rules of the ordinance.

DeMasters recognized James Craig of Morgantown who stated he had mixed feelings on the project and expressed concerns with the location of the project. Craig expressed that the pedestrian traffic will have an effect on the intersection and Morgantown currently has 2000 empty beds and this project will put local landlords out of business.

DeMasters recognized Steve Solomon of Westover who stated the developers don't own the property and there is not a legal sales agreement and therefore the project can't move forward.

DeMasters recognized Joe Yip of 1389 University Avenue who stated that Mode Roman was contacted by Landmark Properties and requested to purchase his property. Yip expressed the

building is too big for the property and listed the variances necessary for the project to go forward as proposed. Yip expressed concerns with increased traffic and noted the project would not be in a pedestrian friendly environment.

DeMasters recognized James Giuliani of 256 Prairie Avenue who stated the project has been tainted when the developers visited property owners and did not act out in good faith. Giuliani expressed the project was not prepared to come before the Commission in December as additional documents and plans are necessary in which have still not been provided as requested by the Commissioners. Giuliani stated the project should have gone to the BZA prior to the Planning Commission.

DeMasters recognized Reid Snow of 251 Darst Street who read a letter of opposition written by Andrew Smith, President of the Morgantown Property Owner Association.

DeMasters recognized Mike Callen of 1421 Western Avenue who expressed concerns with urban decay with the approval of this project and others alike. Callen stated residential higher education is declining which proves that housing demands are lessening. Callen noted that concentrating students to that area will cause more sexual assaults as the trail is inhabited by street people who aren't going to relocate, rather move a little further up the trail.

DeMasters offered the petitioner a chance of rebuttal. John Williams on behalf of Landmark Properties stated the property is being underutilized and the project would encourage people to move and shop in the downtown area and utilize pedestrian transportation. Williams noted the floor area ratio and building height are not issues that should affect a decision and expressed it's not the Commission's decision to decide whether there is an economic need for this building. Williams stated the project meets the eleven (11) core principals of the Comprehensive Plan and is consistent with the vision developed by the community.

DeMasters declared the combined public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Blosser referred to the pedestrian bridge and asked if that would be a part of the decision. DeMasters stated if approved he would make a recommendation to include in the conditions for access to a landing area for a future pedestrian bridge.

Stranko expressed he is in favor of the project as it meets the objectives of the Comprehensive Plan and one can't be afraid of pedestrians and traffic coexisting if we want to have a viable downtown. Stranko noted that millions of dollars have been invested into the Waterfront and rail trail area and the quality of life along the river is important to how we grow as a community. Stranko stated it is not the Planning Commission's job to regulate the marketplace as it is a free market and asked the fellow Commissioners to support the project.

DeMasters expressed mixed feelings on the project and noted he likes that there is too much parking proposed but does not like the height of the building in that area even though it meets the height requirements. DeMasters noted they are there to review and make a decision on the proposed project and not base it on the market and economy.

Petros noted the building is architecturally pleasing but asked the Commissioners to consider the quality of life for the City as the project will be located along the main artery of the City. Petros

expressed concerns with increased traffic and stated he did not have enough traffic data to make a decision on whether to put this building along a critical artery in the City.

Stranko noted the data and measurements presented prove that this project will not materially affect the service availability of the road. Loretta disagreed and stated as a Planning Commission they need to look at the project and how it will affect the future. Both Stranko and DeMasters disagreed.

Loretta referred to the entrance of the parking garage and inquired if that entrance would cause cars to back up on University Avenue. Loretta noted he doesn't understand the variance to decrease the amount of glass on the store front and asked if we have a good enough infrastructure to support the growth. Loretta expressed concerns with too much parking as the City is trying to reduce traffic and more cars would cause more traffic.

Kawecki noted that something will be built in that location whether it be the proposed building or something else but there will be pedestrian traffic no matter what goes in that location. Kawecki expressed that he would like to have green space in that location but knows that won't happen so the proposed project is something that he can't object to.

Stranko moved to approve Case No. S15-09-III with amended Staff conditions; seconded by Blosser. Motion tied at a 4-4 vote with Loretta, Petros, Shuman and Pyles voting nay.

NOTE: The twelve condition included in the motion to approve the petition was, "That, as determined by the City Manager, right-of-way, access, license, and/or easement agreements securing a landing area on the project side (west side) of University Avenue for a pedestrian bridge be pursued to the greatest extent practicable."

Fletcher referred to the Planning Commission's Bylaws to explain that the matter must be continued until such time as the Commission is able to obtain a majority vote for official action. Specifically, the failure of the Commission to obtain a majority on a vote may not operate as an approval or denial of the petition.

DeMasters stated Case No. S15-09-III will be continued to the April 14, 2016 Planning Commission hearing and noted the project cannot be discussed outside of a public meeting.

## **V. NEW BUSINESS:**

- A. MNS16-04 / Strader / 633 Madison Avenue:** Request by Bonnie Strader, for minor subdivision approval of property located at 633 Madison Avenue; Tax Map 40, Parcels 318 and 318.2; R-1A, Single-Family Residential District.

Fletcher presented the Staff Report.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petitions. There being none, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations.

Stranko moved to approve Case No. MNS16-04 with Staff recommendations; seconded by Kawecki; Motion carried unanimously.

- B. Small Area Plan – Area 17 – Darst Street and Jerome Street:** The Planning Commission will hold a public hearing to accept the Small Area Plan Recommendations Report for Future Study Area 17.

Fletcher noted a letter in support was received by Staff from the Fairmont Morgantown Housing Authority and an email in opposition was received by Randy Vealty of 1209 Bartlow Street.

Fletcher read the Staff Report concerning the Small Area Plan – Area 17 – Recommendations Report.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to recommendations report.

DeMasters recognized Lisa Darden of the Fairmont Morgantown Housing Authority who stated they support the report and the recommended zoning map amendment that will allow to build cost effective homes and will not adversely affect the neighborhood.

DeMasters recognized Cornelius Snow of 251 Darst Street who stated the area selected for the project is inhabited by people of color and expressed discrimination is a factor. Snow referred to the Constitution and civil rights regarding eminent domain and stated there are other areas in the City that can be considered for this development.

DeMasters recognized Erica Hartsell of 1257 Jersey Avenue who expressed concerns with the development that would come after a map amendment approval as the area does not have the infrastructure to support additional vehicular traffic.

DeMasters recognized Reid Snow of Buffalo, NY who expressed there would be increased congestion and traffic in addition to water runoff with development and asked for the area to be left alone.

DeMasters recognized David Biafora of 6200 Mid-Atlantic Drive who expressed concerns with the Planning Department and suggested the City hire a consultant to re-evaluate all of the zones within the City. Biafora suggested a workshop be scheduled for the Planning Commissioners as there are bad decisions being made because they aren't comprehending or understanding the projects and zoning presented to them.

DeMasters recognized Kim Johnson of 270 Jerome Street who attended a public forum where property owners expressed they do not want to be rezoned to an R-1A zoning area. Johnson noted that rezoning would devalue their property and there isn't enough infrastructure to support increased density in that area. Johnson noted the steep terrain and expressed concerns with runoff from the streets above and asked for consideration on how the rezoning could affect the community.

DeMasters recognized Randy Vealty of 1209 Bartlow Street who stated the general consensus was not favorable at the previous public forum and the roads are not efficient to accommodate this type of development. Vealty recognized the community is in need of affordable housing but

this many houses would cause serious drainage issues and asked for the area to remain an R-1 District.

DeMasters recognized Lisa Mardis of 1165 Hampton Avenue who stated there is an average of 6,900 cars that travel Hampton Avenue daily and an additional traffic studies needs to be conducted before rezoning to an R-1A district. Mardis expressed that the road can't handle additional traffic without being widened and a school bus will not even stop along that road.

DeMasters recognized Mary Hill of Milton Street who expressed concerns with runoff that would come with additional development in a small area and noted there are other areas within the City that would be more appropriate.

DeMasters recognized Margie Stamp of 251 Darst Street who expressed concerns with increased traffic and asked for the property to remain an R-1 District.

DeMasters recognized Cornelius Snow of 251 Darst Street who stated the development needs to be geared towards people in the neighborhood if a business project. Snow expressed that people need to get their own developers and inspectors and collaborate with the City prior to development.

There being no further public comments, DeMasters declared the public hearing closed and asked for Staff recommendations.

Fletcher noted there are no plans for an eminent domain and there is not a development proposal in place for that area. Fletcher suggested to table the Small Area Plan – Area 17 recommendations report so Staff can meet with the neighborhood again to clarify issues and answer questions.

Stranko made a motion to table Small Area Plan – Area 17; seconded by Kawecki. Motion carried unanimously.

- C. **RZ16-03 / Administrative / Future Study Area 17:** Administratively requested Zoning Map Amendment, as recommended in the Small Area 17 Plan, to reclassify property from R-1, Single-Family Residential District to R-1A, Single-Family Residential District; Tax Map 22, Parcels 21, 22, 24, 25, 25.1, & 26 and Tax Map 24, Parcels 10, 11, 12, 12.1, 14, 15, & p/o 17.1

Case No. RZ16-03 was withdrawn by Staff.

## VI. OTHER BUSINESS

### A. Committee Reports

- Traffic Commission: No report.
- Green Team: No report.

### B. Staff Comments: None.

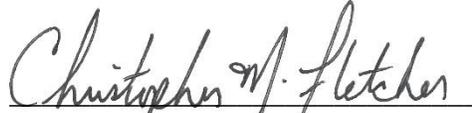
**VII. FOR THE GOOD OF THE COMMISSION:** None.

**VIII. ADJOURNMENT:** 10:10 PM

MINUTES APPROVED:

April 14, 2016

COMMISSION SECRETARY:

  
Christopher M. Fletcher, AICP